

Darren Schwiebert

From: Jessica L. Klander <jklander@bassford.com>
Sent: Friday, May 18, 2018 1:54 PM
To: Darren Brayer Schwiebert (darren@dbslawmn.com)
Cc: Rene Nadeau; Michael A. Klutho
Subject: Norling & Zaudtke
Attachments: Norling Statement of Claim.PDF; Norling Invoices.pdf;
 Zaudtke.SECOND.AMENDED.Complaint.REDLINE.DOCX;
 NORLING.SECOND.AMENDED.COMPLAINT.REDLINE.DOCX

Importance: High

Darren,

This is in response to Plaintiffs' requests to amend their complaints for a second time in *Norling* and *Zaudtke*. We have reviewed the "new" allegations in the Second Amended Complaints, and while we agree to the withdrawal of certain claims, we will oppose any motions to amend in order to add additional allegations. Your second attempt at amending your clients' complaints is futile.

The proposed edits are specifically addressed below:

Norling

We do **not** object to:

- The removal of SZJ from the caption
- The removal of the paragraphs related to SZJ (**old** paragraphs 6, 33-36)
- The removal of the paragraphs related to the "Bill of Sale" claims that were rejected by *Hill* (**old** paragraphs 21, 24-27)
- The removal of the paragraphs related to the "interest" claim rejected by *Hill* (**old** paragraphs 29-32)

We **do** object to:

- The addition of "new" allegations related to ARS's standing to pursue the lawsuit as these claims are not based on any "new" information and have been consistently rejected, in any event (**new** paragraphs 21,23-24, 31-32)
- The addition of "new" "prejudgment interest" allegations. Again, this has been directly addressed, and rejected, by *Hill*. (**new** paragraphs 27-28)
- The addition of allegations related to the amount sought by ARS in the collection action. (**new** paragraphs 11, 25, 26, 44) First, the amount was correct (please see below and attached). Second, this is not based on "new" information and was therefore waived.

| <u>Date</u> | <u>Balances</u> |
|-------------|-------------------|
| 1/3/11 | \$347.08 |
| 11/28/11 | \$114.37 |
| 5/3/12 | \$652.39 |
| 5/29/12 | \$ 58.19 |
| 10/14/12 | \$185.37 |
| 6/12/14 | \$190.84 |
| | <u>\$1,548.24</u> |

\$1,548.24 (medical expenses)
+ \$243.83 (6% per annum under Minn. Stat. 334.01)
\$1,792.07

\$1,792.07
+ \$78.00 (filing fee)
\$1,870.07 (TOTAL)

Zaudtke

We do **not** object to:

- The removal of the paragraphs related to the “Bill of Sale” claims that were rejected by Hill (**old** paragraphs 20, 23-26)
- The removal of the paragraphs related to the “interest” claim rejected by Hill (**old** paragraphs 32-34, 39)

We **do** object to:

- The addition of “new” allegations related to ARS’s standing to pursue the lawsuit as these claims are not based on any “new” information and have been consistently rejected, in any event (**new** paragraphs 21,23-25, 30-32)
- The addition of “new” “prejudgment interest” allegations. Again, this has been directly addressed, and rejected, by Hill. (**new** paragraphs 11, 26-27, 37)



JESSICA L. KLANDER
ATTORNEY
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Thank you.

Subject **Re: 16-cv-3562 (PAM/HB) Zaudtke v. Accounts Receivable Services, LLC**

From Darren Brayer Schwiebert <darren@dbslawmn.com>

To Jessica L. Klander <jklander@bassford.com>

Cc Michael A. Klutho <mklutho@bassford.com>

Bcc Jim <jim@dbslawmn.com>

Date 2018-05-11 15:38



-
- Zaudtke.SECOND.AMENDED.Complaint.REDLINE.docx (~62 KB)
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Counsel:

Plaintiff seeks to amend the complaint in this matter. The proposed Second Amended complaint is attached in "Track Changes" format. Please let me know by Wednesday of next week whether the amendment can be made stipulation of the parties pursuant to FRCP 15(a)(2) or whether a motion to the Court is necessary.

Darren

DBS LAW LLC
301 4th Ave S, Suite 280N
Minneapolis, MN 55415
(612)-501-6008

On 2018-05-11 11:29, Jessica L. Klander wrote:

Thank you, Ms. Kirby. We plan to reschedule our motion to dismiss and will contact the Judge today to get new hearing dates.

JESSICA L. KLANDER
ATTORNEY
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Thank you.

-----Original Message-----

From: Judith_Kirby@mnd.uscourts.gov [mailto:Judith_Kirby@mnd.uscourts.gov] On Behalf Of [Bowbeer Chambers@mnd.uscourts.gov](mailto:Bowbeer_Chambers@mnd.uscourts.gov)
Sent: Thursday, May 10, 2018 4:15 PM
To: darren@dbslawmn.com; Jessica L. Klander; Michael A. Klutho
Subject: 16-cv-3562 (PAM/HB) Zaudtke v. Accounts Receivable Services, LLC

Counsel:

Please provide us with an update on the pending Motion to Dismiss (ECF No. 14).

Thank you for your cooperation.

Judith M. Kirby
Courtroom Deputy for the
Honorable Hildy Bowbeer
United States Magistrate Judge
651-848-1900